

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDDYSTONE RAIL COMPANY, LLC,	)	
	)	
Plaintiff,	)	Civil Action No. 2:17-cv-00495-RK
	)	
vs.	)	
	)	
BRIDGER LOGISTICS, LLC, JULIO RIOS,	)	
JEREMY GAMBOA, FERRELLGAS	)	
PARTNERS, L.P., and FERRELLGAS, L.P.,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

**DECLARATION OF DAVID M. ZENSKY IN SUPPORT OF  
BRIDGER LOGISTICS, LLC, FERRELLGAS PARTNERS, L.P., AND  
FERRELLGAS, L.P.’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

DAVID M. ZENSKY, pursuant to 28 U.S.C. § 1746, declares:

1. I am a partner of the law firm Akin Gump Strauss Hauer & Feld, LLP, counsel for Defendants Bridger Logistics, LLC, Ferrellgas Partners, L.P., and Ferrellgas, L.P. (collectively, the “BL/FG Defendants”).<sup>1</sup> I submit this declaration in order to place before the Court certain documents referenced and relied on in the Complaint in the above-captioned action and/or part of the public record, which are cited in the BL/FG Defendants’ Motion to Dismiss Brief. I am admitted to practice before this Court *pro hac vice*.

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<sup>1</sup> Capitalized terms not defined herein have the meaning given to them in the *Memorandum of Law in Support of Bridger Logistics, LLC, Ferrellgas Partners, L.P., and Ferrellgas, L.P.’s Motion to Dismiss Plaintiff’s Complaint* (the “Motion to Dismiss Brief”) filed contemporaneously herewith.

2. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt of the Rail Services Agreement between Bridger Transfer Services, LLC and Eddystone Rail Company, LLC, which is referenced in paragraphs 2, 17, 21, and 22 of the Complaint.

3. Attached hereto as **Exhibit B** is a true and correct copy of an excerpt of the *Verified Petition to Enforce Subpoena Issued to Ferrellgas Partners, L.P. in SMA Arbitration*, which is a public record filed on August, 10, 2016 by ERC with the United States District Court for the Southern District of New York, under case number 16:-mc-00295-P1 [ECF No. 1].

4. Attached hereto as **Exhibit C** is a true and correct copy of an excerpt of the Purchase and Sale Agreement between Bridger Logistics, LLC and Jamex Transfer Holdings, LLC, which is referenced in paragraphs 7, 48, and 49 of the Complaint.

5. Attached hereto as **Exhibit D** is a true and correct copy of a November 23, 2015 email from Bryan Boaz of Enbridge/ERC, the substance of which is referenced in paragraph 50 of the Complaint.

6. Excerpts of the foregoing documents are attached, in conformance with Local Rule 5.1.2(6).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: March 16, 2017

/s/ David M. Zensky  
David M. Zensky